

CIC/Legal/RTI/2024/
केन्द्रीयसूचनाआयोग
Central Information Commission
बाबागंगाधरमार्ग/Baba Gang Nath Marg
मुनिरका, नईदिल्ली/ Munirka, New Delhi – 110067

Dated : 20.06.24

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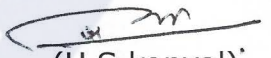
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**Subject: Information u/s 6 (3) of the RTI Act, 2005 w.r.t RTI Application
Regn. No. CICOM/R/P/24/00332 dated 18.03.2024 received**

Pursuant to orders of FAA dated 18.06.2024 on First Appeal No. CICOM/A/P/24/00062, relevant available information on point 3 of the RTI Application is provided as under:

Point No. : (i) Copy of relevant page of CIC Annual Report 2019-20 showing overall percentage & grading (32%,E) of 'Department of Ex-servicemen Welfare' on its Third Party Audit Report 2019-20 is enclosed. (ii) Copy of relevant pages of Transparency Sample Audit Report of 2018 showing percentage & grade (38%,E) of Department of Ex-servicemen Welfare is enclosed.

There is no record in respect of ECHS as the same is not registered with CIC (as a Public Authority) as ascertained from M& R Section of CIC.


(U S kanyal)
Consultant SO
Legal cell

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Addl. Secretary &

First Appellate Authority

Central Information Commission

: for info. W.r.t. FAA Order dated 18.06.2024

CPIO RTI Cell

**Transparency Audit of Disclosures
u/s 4 of the Right to Information Act
by the Public Authorities**

By

A N Tiwari & M M Ansari

A Report Submitted to

Central Information Commission

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New Delhi

November 2018

PREFACE

The celebrated RTI Act is an acknowledged charter of people's right to information and, at the same time, it is an invocation to the Indian state to embrace transparency as central to its functioning. The last Administrative Reforms Commission (ARC) in its report has radically altered the governance landscape. ARC recommended that the Official Secrets Act of the government of India should be revised in the light of the provisions of the RTI Act. That however remains a distant dream given the national state bureaucracies' natural inclination toward secrecy. Yet, due largely to the RTI Act, state institutions are now under positive pressure to make their functions progressively more transparent.

The RTI Act is predominantly about the demand side of information dissemination, i.e., demand for information disclosure by the citizen and the processes that go with it. But, there is also a supply-side to this Act, which relates to voluntary disclosure of information held by Public Authorities. The mandate for *suo motu* disclosure is contained in Section 4 of the Act. This section has now emerged as the focal point at which most disclosure related efforts of the Public Authorities converge. The audit exercise, which the undersigned were mandated by the CIC to supervise, relates to online disclosure of information by public authorities through their respective websites in terms of section 4 of the RTI Act.

This section 4 sets out in some detail, the parameters for information disclosure, on one hand, and on other, it defines the transparency horizon to be aimed for by the state instrumentalities. We observed that this latter aspect of the section 4 – the proverbial “woods” – is often lost sight of in “counting of trees”, i.e., a routine adherence to the subject list of the section. Yet, it must be readily conceded that even the “counting of trees” exercise has the potential to significantly expand the horizons of transparency in government, if done with methodological rigour. Thus, we ensured that methodology was central to the present exercise which has resulted in this report.

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During our study of the various facets of online disclosure audit- verification and authentication of disclosures, we found that several government agencies had done quite serious work specially in regard to introduction of advanced transparency – promoting technologies, use of social media and improving and standardizing website designs, among

several other similar initiatives. We have attempted to capture all these developments in the format for section 4 related disclosures. Our study of these initiatives outside the remit of the RTI Act lent credence to the point that transparency is a much broader and deeper concept- and multidimensional too, which cannot be limited by any straitjacket. But, this is a subject for a later and much more elaborate study. For the present our approach is limited to RTI section 4.

The CIC rightly reckoned that section 4 of the RTI Act, with all its structural limitations, can still become an ideal window for the citizen to peek into the twilight world of state bureaucracies and, even to shine a light onto it. At another level, when Public Authorities compete with each other for brownie points for better information disclosure on their websites and its superior quality, transparency is the gainer, so is the citizen.

If the present audit exercise achieves this objective even in a limited measure, it shall be highly satisfying to us as Advisers.

We received copious support from the officers and the staff of CIC in our engagement with the audit exercise. Their experience of the internal functioning of the government was a valuable asset, so was their hard work to accomplice the given task. Our grateful thanks to them.

The Chief Central Information Commissioner Shri R K Mathur was the conceptualiser, the motivator and the implementer of this idea. His boundless enthusiasm, determination and experience made our task easier than it really was. He acted purposefully to remove hurdles – and there were many – to guide the exercise to fruition. We cannot thank him enough.

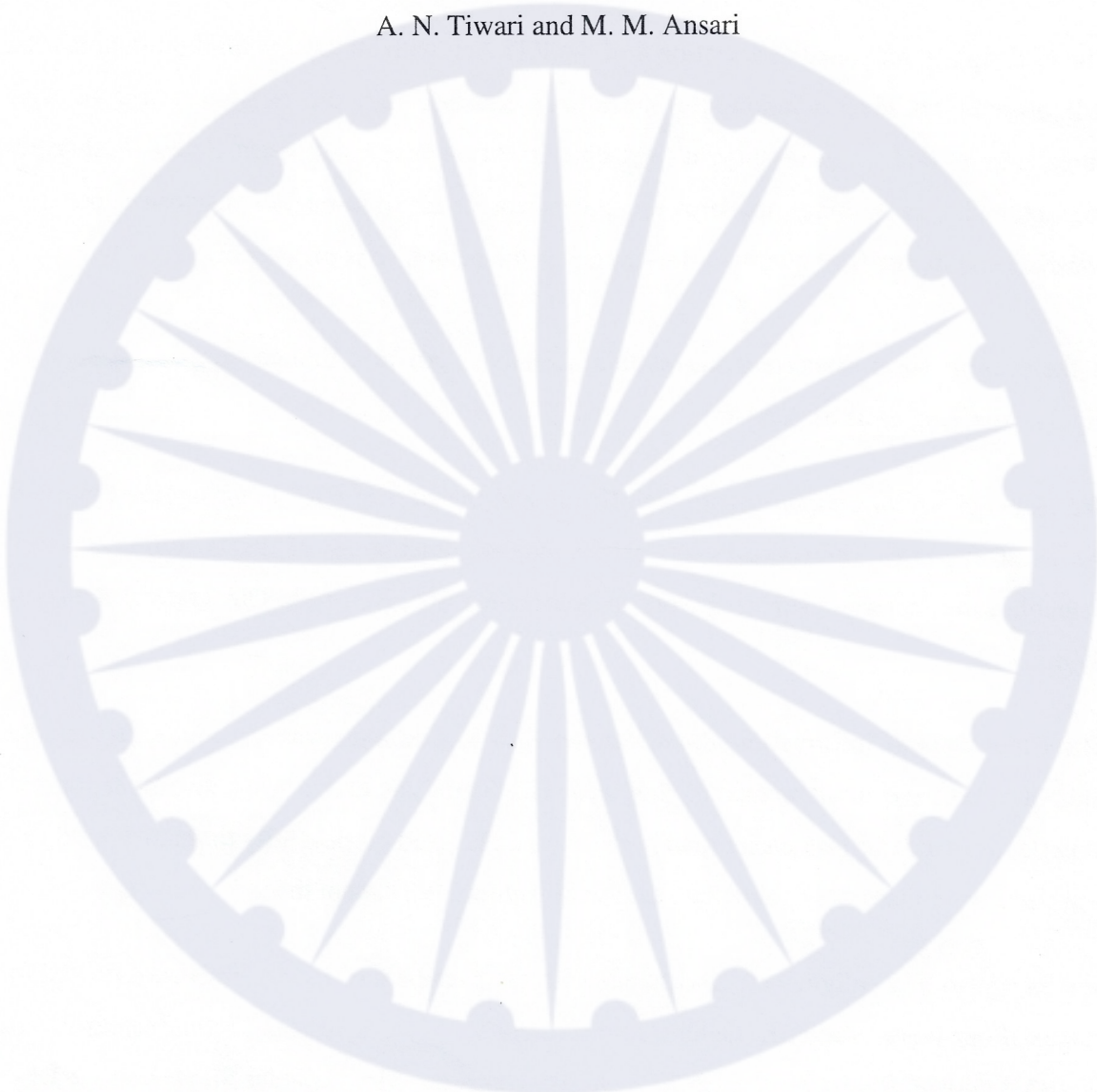
We have also had enlightened discussions with the Members of the Commission. At various stages of our work, Shri A.K. Gehlot, Joint Secretary, Shri Y K Singhal, Joint Secretary, Shri Piyush Agrawal, Registrar, Umesh K. Joshi, Dy Registrar, Shri Gajinder Singh Kataria, DEO and Shri Vaibhav Kumar of IIPA provided us help and support for finalization of the Report.

At the initial stages of the work, Shri K. Govindrajulu, Joint Director and Shri Govind H of ISTM provided intellectual inputs for developing and designing proforma for evaluating websites of public authorities.

None of the above mentioned, we need hardly add, can be held responsible for the errors and omissions that might have still remained in this Report.

We have great pleasure and feel honoured to submit this report to the Chief Central Information Commissioner.

A. N. Tiwari and M. M. Ansari



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Transparency Audit of Disclosures u/s 4 of the Right to Information Act by the Public Authorities

'Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed.'

(The Preamble of the RTI Act 2005)

I. Context:

The Right to Information Act, which allowed the citizen unprecedented access into information under the control of public authorities, has multiple dimensions. The most commonly known and, equally widely utilised, is the straightforward filing of requests by the information seekers and the subsequent process of first and second appeals. This is the demand side of the transparency law. The other dimension, which is the law's supply-side, is a scheme of voluntary disclosure of information by public authorities (PAs) through a variety of means, principal among which is the disclosure through websites.

Section 4 of the RTI Act provides the broad outline of the contents of the websites. Disclosures under this section are expected to: i) enable the citizen to access the information held by PAs without their having to take recourse to the provisions of RTI Act; and, b) promote transparency and accountability in the functioning of the government to promote participatory governance.

Most PAs have, quite creditably, also taken a host of transparency related initiatives that are independent of Section 4 of the RTI Act. Several other Acts and Rules as well as directions of the government provide for disclosure of certain classes of information for the benefit of citizens.

Section 4 of the RTI Act comprehensively deals with supply side of information held or under the control of Government and its instrumentalities. Aware that the Right to information cannot be made operational in letter and spirit without the government's

initiative to proactively disclose maximum information, the Department of Personnel and Training (DoPT) directed all the PAs, vide its order dated April 15, 2013, to ensure regular audit of mandatory disclosures by a third party. Specifically, the DoPT directed as under:

- 4.4 *Each ministry/public authority should have its proactive disclosure package audited by third-party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All public authorities should proactively disclose the names of the third-party auditors on their websites. For carrying out third-party audit through outside consultants also, ministries/public authorities should utilise their plan/non-plan funds.*
- 4.5 *The Central Information Commission shall examine third- party audit reports for each ministry/public authority and offer advice/recommendations to the concerned ministries/public authorities.*
- 4.6 *Central information commission should carry out sample audit of few of the ministries/public authorities each year with regard to adequacy of items included as well as compliance of the ministry/public authority with these guidelines.*
- 4.7 *Compliance with the proactive disclosure guidelines, it's audit by third-party and its communication to the Central information commission should be included as RFD target”.*

Subsequently, and in partial compliance with the above direction, a Report titled “Transparency Audit: Towards an Open and Accountable Government” 2015, was prepared under the auspices of the Central Information Commission (CIC), which outlined the framework of conducting disclosure audit to verify and authenticate disclosure of information. This Report has been in public domain. This report and the transparency audit – guidelines of the Ministry of personnel dealt with the audit of public authorities in order to evaluate their transparency – readiness. At another level, however, the disclosures made by public authorities through their websites also needed to be evaluated and graded. This

exercise may not be as comprehensive as the transparency audit recommended in the above-mentioned report, yet could be a significant pointer to the differential levels of *suo motu* disclosures by public authorities.

In the light of the above, CIC decided that it was now time to make a general assessment of Section 4 disclosures made through websites by various PAs and to take stock of its quality, strengths and weaknesses. Accordingly, an exercise was undertaken to evaluate the extent of mandatory disclosures on websites of the PAs.

II. Major Objectives:

The main objective of this exercise is two-fold. One is to make a thorough assessment of voluntary disclosures and the other is to indicate the areas and directions for increasing transparency in PAs. Specifically, the major objectives of this exercise are as under:

- i) To take stock of, and to assess, quantitative and qualitative compliance by PAs of the mandated *suo motu* disclosures under Section 4 of the RTI Act;
- ii) To identify the areas for improvement in information disclosure by PAs; and,
- iii) To suggest measures for improving the content and quality of the disclosures as well as to identify the areas requiring special focus or impetus in terms of disclosures.

III. Approach and methodology:

The report on '*Transparency Audit: Towards an Open and Accountable Government*', apart from providing a conceptual framework and practical guide for ascertaining the level of transparency at different PAs, also contained a suggestion about the approach to evaluating the contents of the websites of the public authorities. That approach forms the basis of the current exercise.

Due credit has been given to the efforts made by the government to promote e-office and e-governance for improvement of institutional efficiency, and the resultant increase in online digital operations.

Similar credit has also been given to public authorities' efforts to familiarise public with its policies and programmes and to take the people into confidence before any legislative initiative.

The methodology of the present exercise was as follows:

Step-1:

A comprehensive format containing all the relevant indicators was designed and developed for evaluating disclosure by PAs. In doing so, care was taken to identify and capture all the relevant parameters that are mentioned in section 4 of the RTI Act as well as other information that has been prescribed by the CIC, the Courts, provisions under different Acts and the directions issued from time to time by the Department of Personnel and Training (DoPT). Broadly, information has been grouped under six categories as described below and the detailed format is attached as Annex-1.

1. Organisation and Function

- Are organisational details given?
- Have all the designated officers been appointed?
- Is the objective and purpose of the establishment given in clear and concise terms?
- Annual reports including information regarding number of RTI applications received and disposed of in that year.
- Are RTI application queries reflected in the FAQs on the PA website? (random check)
- Monthly reports of RTI applications received and disposed.

2. Budget and Programmes

- Are the budget details furnished on the website?
- Are the comprehensive end-to-end e-procurement details disclosed under Section 4?
- Information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed.

- All discretionary /non-discretionary grants/ allocations to state governments/ NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned.
- Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website.
- Are all the payments made under PPP projects disclosed in a periodic manner along with the purpose of making such payments?
- Is the PA proactively disclosing the CAG & PAC paras and the Action Taken Reports (ATRs) (After these have been laid on the floor of both the houses of Parliament)?
- Is the PA disclosing details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of departments?
- Is the nature of official tours, places visited, number of people included in the official delegation and total cost of such travel undertaken disclosed?

3. Publicity and Public Interface

- It should be the endeavour of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer-based interface. The 'Electronic Delivery of Services Bill, 2012 under formulation in Government of India would provide the necessary impetus.
- Websites should contain detailed information from the point of origin to the point of delivery of entitlements/ services provided by the Public Authorities to citizens. Service delivery standards and performance indicators and penalties for non-compliance to standards of service delivery should be prominently published.
- Orders of the public authority should be uploaded on the website immediately after they have been issued.
- Information must be presented from a user's perspective, which may require re-arranging it, simplifying it, etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning. Is this fact observed on the PA website?

4. E-Governance / Digitisation

- Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.
- While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form, which conveys the desired information in an effective and user-friendly manner.
- Maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March 2012 and the schedule should be strictly adhered to.
- Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/videos recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.
- Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.
- The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is

required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

- The government has issued directions to all the Ministries/ Departments to include a chapter on RTI Act in the Annual Reports submitted to parliament. Details about compliance with proactive disclosure guidelines should be mandatorily be included in the relevant chapter in Annual Reports of Ministries / departments. Is the Annual Report regularly prepared and uploaded on the website?

5. Information as prescribed

- Each Central Ministry/Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/ Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines. Is this fact mentioned anywhere on the website?

6. Information disclosed on own initiative

- Maximum weightage would be given to the items/ information disclosed with a purpose that public may have minimum resort to use of RTI Act to obtain information.

(Based on above description, the format for evaluation of websites of PAs is attached at Annex-1)

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Step-2:

Transparency audit pro-forma was sent to 2092 PAs, which figure in the records of CIC. The first request letter was emailed by the office of CIC on July 12, 2018 asking the PAs to make self-assessment and return the pro-forma within a month. Due to inadequate response, reminders were subsequently sent on August 2, 14, 30 and September 27, 2018. In all, only 838 PAs (40%) have responded till October 31, 2018.

The response from the top 100 PAs that have been receiving large number of RTI application has been rather low. Disclosure by such PAs is separately analysed to ascertain if there is any connection between the level of website disclosure and the number of RTI applications received by them.

The feedback received from the PAs has been carefully examined and vetted by the CIC's Team of evaluators in order to ascertain the accuracy in reporting. Based upon this, as well as other inputs, an as-is-where-is evaluation of the websites has been made.

As a preliminary step the information obtained by the evaluators was grouped into two categories, namely, "Meets the requirement," and "Partially meets the requirement."

"Meets the requirement" comprises websites which disclosed either all, or most, of the information as mandated by the section 4 of RTI Act in a section by section analysis.

"Partially meets the requirement" reflects the incomplete disclosure of the mandated information.

Where a certain Section (or sub-section) of Section 4 is 'not applicable' to a Public Authority, the same has to be mentioned as such on the website. This is deemed to be meeting the requirement. If it is not mentioned clearly, it is taken as "Partially meeting the requirement".

Where systematic (Section and sub-section-wise) mandated disclosure is not made on the website, the information is deemed to be 'Not Disclosed and non-compliant' with RTI Act.

Step-3:

Finally, based on the level of disclosures, PAs have been marked and graded, for which the following procedure was followed.

First, it is admitted that there are no objective criteria for assigning appropriate numerical value to different parameters, which are largely qualitative. The evaluation of disclosures has to be made by the peer group on the basis of domain knowledge and experience of working with the PAs. All the qualitative indicators need to be converted into measurable quantitative values, on the scale of 1 to 100. Accordingly, numerical value to each parameter was assigned for marking and grading PAs, as explained below.

Second, in view of relative significance of each of the identified parameter, the following weightages were assigned:

Parameter	Weight %
1. Organisation and Functions	10%
2. Budget and Programme	30%
3. Publicity and Public Interface	25%
4. E-Governance	20%
5. Information as may be Prescribed	10%
6. Information disclosed on own initiative	5%
Total:	100%

These weights are further distributed across the sub-parameters in the respective categories, as illustrated below.

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The weight of, say 10%, under the category of 'organisation and function' is divided by the number of sub-indicators, 13 in this case, to equalize the marks of the sub-indicators, which comes to 7.7, which is further divided by the number of indicators, 6, under the sub-indicator within the category of sub-indicator, which comes to 1.28

This procedure has been followed throughout this exercise. It is important to note that:

- i) A Public Authority scores full marks, as worked out above, when it 'meets the disclosure requirement';
- ii) If a PA 'meets partial requirement', it gets fifty percent marks under the relevant parameter;
- iii) 'zero' mark is given when required information is not disclosed; and,
- iv) if the identified information is 'not applicable', PA is not marked. The appropriate weight is 'reduced' from both the numerator as well as the denominator to ensure that a PA is neither rewarded nor penalised on account of information that is not applicable to a PA.

The final score may be grouped as under:

Score (% age)	Grade
90-100	A
80-89	B
70-79	C
60-69	D
Below 60	E

The PAs that score less than 60% score of marks are grouped under E, which indicate PAs in this group do not meet the minimum disclosure requirements.

Finally, PAs may be graded as A, B, C, D and E on the basis of the score of marks obtained as indicated above. Based on our assessment, all the indicators and sub-indicators are assigned appropriate values, within the maximum marks indicated against each parameters and sub-parameters.

On the basis of total scores, the PAs scoring 90 to 100 marks, are graded 'A', and score of 80 to 89 as 'B', 70 to 79 as 'C', 60 to 69 as 'D' and 'E' for score lower than 60.

It is important to note that no attempt is made to make direct comparisons of one public authority with some others as they may not be comparable in terms of their mandatory activities and public interface.

Limitations:

This exercise is confined to the evaluation of websites of the public authorities relating to disclosures u/s 4 of the RTI Act. No attempt was made to establish direct contact with the public authorities for physical inspection of record of disclosure. PAs were contacted only through E-mail for obtaining their comments and observations on the preliminary evaluation made by the evaluators.

A greater reliance is made on the feedback obtained from the PAs.

It is readily admitted that there can be no optimal solution regarding the best scheme of marking the websites for their quality and content. A certain amount of subjectivity is inescapable. However, an attempt has been made to link the numerical evaluation to the website disclosures as rationally as possible, free from bias. The experience and the domain knowledge of the experts and practitioners has been used for this purpose. With time, better systems of numerical evaluation are sure to come about and usefully employed.

IV. Analysis of Data and Interpretation of Results:

All the total 2092 PAs, as per CIC's record, were directly approached between July to October 2018, for obtaining feedback and comments of PAs on the basis of proforma supplied to them, as Annex-1.

The proforma was also put on the website of CIC for information and use of all the PAs. In all, 838/2092, 40%, replied by October 31, 2018. This analysis is therefore based on these responses.

Table-1, presents summary results on categorisation of PAs under different grades on the basis of overall scores on all the parameters. Based on the total respondents of 838, a significant majority of PAs 292 (35%) fall under grade E whereas merely 19 % score the highest-grade A. The rest of PAs fall in between B, C and D grades, in the range of 13 to 19 %, as may be seen in Table-1.

618	CSIR-Institute of Minerals & Materials Technology, bhubaneswar	60%	E
619	CSIR-NIO	56%	E
620	CSIR-SERC, Chennai	59%	E
621	Damodar Valley Corp.	45%	E
622	Debts Recovery Tribunal Visakhapatnam	25%	E
623	Delhi Financial Corporation	57%	E
624	Delhi Nursing Council	39%	E
625	Delhi State Legal Services Authority (DSLISA)	57%	E
626	Delhi Technological University (DTU)	53%	E
627	Department of Consumer Affairs	59%	E
628	Department of Defence Production Sectt.	43%	E
629	Department Of Economic Affairs	59%	E
630	Department of Ex-servicemen Welfare	38%	E
631	Department of Fertilisers	45%	E
632	DEPARTMENT OF REVENUE	19%	E
633	DEPARTMENT OF REVENUE	40%	E
634	Department of Revenue and Disaster management (DRDM), Puducherry	42%	E
635	DEPARTMENT OF RURAL DEVELOPMENT	43%	E
636	Department of Science & Technology, UT of Chandigarh	56%	E
637	Director General Armed Forces Medical Service (DGAfMS)	24%	E
638	Directorate General Factory Advice Service & Labour Institutes	52%	E
639	Directorate General of Mines Safety, ministry of labour & employment	50%	E
640	Directorate General of Performance Management (DGPM), New Delhi	54%	E

595	Centre for Marine Living Resources and Ecology, Ministry of Earth Science (MoES)	31%	E
596	Centre for Materials for Electronics Technology (CMET)	56%	E
597	CFTI, Agra	60%	E
598	CGI Melbourne	41%	E
599	CGIT cum Labour Court No.1, Mumbai	21%	E
600	Chennai Port Trust	52%	E
601	Chief Commissioner of Customs, Mumbai-II Zone	47%	E
602	CIHT, Jalandhar	18%	E
603	CIMAP, Lucknow	36%	E
604	Collectorate Karaikal	31%	E
605	Consulate General of India, Chicago	42%	E
606	Consulate General of India, Ho Chi Minh City, Vietnam	42%	E
607	Consulate General of India, San Francisco	43%	E
608	Consulate General of India, Istanbul	36%	E
609	Corporation Bank	56%	E
610	CSIR - National Aerospace Laboratories, Bengaluru	38%	E
611	CSIR Central Leather Research Institute, Chennai	34%	E
612	CSIR Fourth Paradigm Institute (CSIR-4PI)	56%	E
613	CSIR Human Resource Development Group	47%	E
614	CSIR Madras Complex, Chennai	48%	E
615	CSIR National Chemical Laboratory	39%	E
616	CSIR-Central Road Research Institute, New Delhi	38%	E
617	CSIR-INDIAN INSTITUTE & PETROLEUM, DEHRADUN	51%	E

Sl. No	Public Authority	Percentage	Grade
246	ISTM	82	B
247	CSIR-IIIM, Jammu	47	E
248	Northern Region Farm Machinery Training & Testing Institute	81	B
249	CSIR-NML, Jamshedpur	41	E
250	Department of Ex-Servicemen Welfare	32	E
251	MEPZ Special Economic Zone & HEOUs	99	A
252	P A O IRLA	59	E
253	GAIL (India) Limited	86	B
254	Indian Institute of Spices Research (ICAR)	93	A
255	CSIR-CEERI, Pilani	56	E
256	Building Material And Technology Promotion Council	77	C
257	WAPCOS Limited	75	C
258	National Bureau of Fish Genetic Resources (ICAR)	21	E
259	Directorate of Revenue Intelligence	0	E
260	Central Adoption Resource Authority (CARA)	76	C
261	National Institute of Mountaineering And Allied Sports (NIMAS)	59	E
262	National Centre For Medium Range Weather Forecasting	74	C
263	Central Institute For Research On Cotton Technology (ICAR)	47	E
264	Research Reference And Training Division	92	A
265	Kandla Special Economic Zone	96	A
266	National Research Centre On Seed Species (ICAR)	83	B
267	Central Ground Water Board	45	E
268	Central Council For Research In Siddha	55	E
269	Central Soil & Materials Research Station	67	D
270	CSIR-IICB, Kolkata	36	E
271	Ministry of Minority Affairs	39	E
272	Department of Higher Education	60	D
273	MSME Testing Centre Kolkata	96	A
274	National Centre of Organic Farming	90	A
275	Department of Economic Affairs	72	C
276	North Eastern Regional Farm Machinery Training & Testing Instt.	85	B
277	Noida Special Economic Zone	69	D
278	Delhi Legislative Assembly Secretariat	78	C
279	MSME TESTING CENTRE NEW DELHI	85	B
280	CSIR-CFTRI, Mysore	34	E
281	CSIR-CBRI, Roorkee	70	C
282	CIHT Jalandhar	19	E
283	MSME DI, Cuttack	59	E
284	CSIR-CMERI, Durgapur	53	E
285	National Green Tribunal	32	E
286	CSIR-SERC, Chennai	44	E
287	CSIR-IICT, Hyderabad	80	B
288	MSME DI KANPUR	76	C
289	MSME DI Muzaffarpur	8	E
290	Directorate of Organisation & Personnel Management	35	E
291	Chief Commissioner of Customs, Mumbai-II Zone	8	E
292	Directorate of Prohibition	0	E
293	MSME Development Institute Bangalore	100	A
294	National Scheduled Castes Finance And Development Corporation	94	A



F.No-CIC/legal/RTI/2024

Shri Anilbhan Chakrabarty,

2 No. Motilal Colony Po Rajbari Colony,

24- Patgama

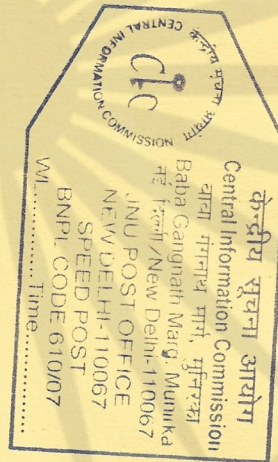
Kolkata-700081

West Bengal

Received on 24th June 2024



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04/05

CENTRAL INFORMATION COMMISSION

CIC Bhawan, Baba Gang Nath Marg,
Munirka, New Delhi – 110067

FA No. CICOM/A/P/24/00062

RTI No. CICOM/R/E/24/00332

Name of Appellant: ✓ Shri Anirban Chakraborty
2 No. Motilal Colony, P.O.: Rajbari Colony
(N) 24 Pgs, Kolkata
West Bengal - 700081

1.	Date of RTI application	18.03.2024
2.	Date of receipt of RTI application in RTI Cell/CPIO	18.03.2024
3.	Date of reply of the RTI application	16.04.2024
4.	CPIO (s) who furnished reply	CPIO(RTI Cell), CPIO(M&R), CPIO(Legal Cell) & CPIO (DR to IC VT)
5.	Date of First Appeal application	17.05.2024
6.	Date of receipt of First Appeal in the office of FAA	29.05.2024
7.	Date of First Appeal Hearing	18.06.2024 at 03:00pm via Bharat VC conference
8.	Date of Decision	18.06.2024

I. Brief of the case

The details of information sought vide RTI application No. CICOM/R/E/24/00332 dated 18.03.2024. The details of and reply dated 16.04.2024 given by CPIO(RTI Cell) u/s 5(4) of the RTI Act, 2005 of CIC is mentioned hereunder.

Information Sought

- 1) Information sought:** Please provide the internet address (URL) where this RTI Application and the reply of the C.P.I.O. have been published in the website of the Central Information Commission for the people of India.
- 2) Information sought:** Please publish my signed written statement submitted to the Central Information Commission on 8th Jan 2024 having diary nos. 601184 and 601186 (both identical), by appending my written statement with the published order dated 17th Jan 2024 of Central Information Commissioner Shri Vinod Kumar Tiwari in the File Nos. CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662. Kindly confirm in writing if my request has been granted.
(This goes in harmony with the motive and purpose behind the Department of Personnel and Training's Office Memorandum dated 15th April 2013 being no. 1/6/2011-IR.)

- 3) **Information sought:** Please provide me by email the soft copies of (1) Reports of Audits done & (2) advice/recommendations given by the Central Information Commission in the last five years from date for the public authorities (1) Department of Ex-servicemen Welfare & (2) Ex-servicemen Contributory Health Scheme, under the following section of the Department of Personnel and Training's Office Memorandum dated 15th April 2013 being no. 1/6/2011-IR:
- 4) **Information sought:** Please provide me in Compact Disk the audio and video recording of my hearing dated 15th Jan 2024 for my 2nd Appeals having File Nos. CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662. I shall pay the cost of CD. Please provide the information sought at the earliest. Thanks.

Reply by CPIO(M&R) for Point 1

With Ref. to CPIO RTI Cell note date 18-03-2024, replies in respect of point - 01 are as under:-

Point No.1:- Information for internet address (URL) of RTI application and the reply of the CPIO may be seen on Commission's website link:- <https://cic.gov.in/rti-reply>

Reply by CPIO(DR to IC-VT) for Point 2 & 4

Reply in respect to point 2& 4 desired by the complainant is as under:

At Point 2: The commission does not publish the reply/written statement received from the applicant. However, the request of the applicant mentioned in the application is mentioned/Para phrased in order.

Point 4: Recording of the cases being heard in the Commission is not done.

Reply by CPIO(Legal Cell) for Point 3

Point 3 : Information regarding Public Authorities whose Transparency Audit was carried out during the last five years is available in CIC Annual Report(s) (ref CIC website) wherein their overall grading/percentage has been indicated. However, for Audit Report of the said Department /organisation, the concerned Public Authority may be approached as the same is not available wherein recommendation /advice, if any, of CIC may also be seen .

Sample Transparency Audit : In 2018 sample Audit of 838 PAs was carried out by a committee comprising Shri A.N.Tiwari and Shri M.M. Ansari , a Copy of the report is enclosed. Further in 2022 and 2023 sample audit of 20 different PAs was carried out by CIC .However, Department of Ex-servicemen Welfare and ECHS do not figure in those lists.

3 (1) & (2)	<p>Information received on 08.04.2024 from Shri U. S. Kanyal, CPIO, Legal Cell under section 5 (4) of the RTI Act, 2005 is attached as ANNEX – 3.</p> <p>Desired information is in 73 pages, kindly you pay Rs. 146/- @ of Rs. 2/- per page as photocopying charges. Payment to be made through IPO (Payable to PIO, CIC, New Delhi)/ DD drawn in favour of PAO, CAT, New Delhi</p>
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II. **GROUND FOR FIRST APPEAL:**

The Appellant submitted first appeal being dissatisfied with the reply of the CPIO DR to IC-VT) at point 2, CPIO(M&R) at point 1 and CPIO (Legal Cell) at point 3.

III. **DECISION OF FIRST APPELLATE AUTHORITY:**

The First Appeal, RTI application and reply given by CPIO of CIC have been perused.

In the instant appeal, the appellant had requested for personal hearing of the first appeal via video conferencing mode to which a hearing was primarily scheduled on 12.06.2024 at 11:30 am via Bharat VC conference. However, the appellant expressed his inability to attend the hearing due to his ill health, accordingly the hearing was rescheduled on 18.06.2024 at 03:00 pm via Bharat VC conference.

On 14.06.2024, through e-mail and letter dt. 04.06.2024 received on 10.06.2024 in CIC (on 14.06.2024 received in the O/O AS & FAA) the appellant expressed his inability to attend the First Appeal hearing via Bharat VC mode and requested for hearing of first appeal through a NIC Studio. The NIC Studios are booked for hearing of Second Appeals/ Complaints only and there is no provision and precedence to book NIC studio for hearing of First Appeal. The same was also brought to the appellant's notice through a telephonic call on 14.06.2024 and the appellant consented to attend the hearing via audio conferencing mode. The hearing was conducted on 18.06.2024 at 03:00 p.m. via audio conferencing mode.

The subject First Appeal was heard by both the First Appellate Authorities i.e. Additional Secretary, CIC and Registrar, CIC as the First Appeal pertains to CPIOs of both First Appellate Authorities. The appellant and all the above-mentioned CPIOs were present in the hearing. All the submissions made by the appellant were considered during the decision on the first appeal.

For Point 1

As per CPIO (M&R Section), the RTIs uploaded on the Central Information Commission website are automatically fetched from the DoPT's RTI portal. Due to heavy load/traffic of public authorities on the DoPT's portal, there is time lag to fetch the RTIs on the CIC website and only a limited amount of RTIs is permissible to be fetched by the CIC website. Also, the RTIs are fetched only if the CPIO allows its disclosure in public domain. The subject RTI may reflect on the Central Information Commission after some time.

Accordingly, the reply given by the CPIO is appropriate and as per the provisions of the RTI Act, 2005. Hence, no intervention is required on behalf of the FAA in this matter.

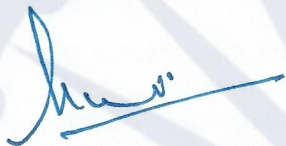
For Point 2 & 4

We have examined the replies to RTI points No. 2 & 4 and find that the reply is in accordance with the RTI Act, 2005. Hence, no intervention is required on behalf of the FAA in this matter.

For Point 3

In the instant case, CPIO (Legal Cell) is directed to provide relevant available information as desired by the appellant as per the RTI Act, 2005 by 28.06.2024.

- IV. The appeal is disposed of accordingly.
- V. In case the Appellant is aggrieved by the decision, he/she is free to file second appeal, if he/she so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi – 110 067 against this order within 90 days.



(Brig. Vipin Chakrawarti)
Registrar & First Appellate Authority
Tel: 26105021



(Roop Avtar Kaur)
Additional Secretary & FAA
Tel: 26162290

Copy to 1) CPIO (Legal Cell) (for compliance)
2) Nodal Officer and CPIO (RTI Cell) (for information)

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62

C/c om 1A/P/24/00062

Received on 24th June 2024



FAA

①
18+6+24



Hearing of First Appeal No.- CICOM/A/P/24/00062 via Audio-Conferencing Mode

1 message

Anirban Chakraborty <@gmail.com> Tue, Jun18,2024 at 16:16

To: Roop Avtar Kaur <@nic.in>
Cc: Brig. Vipin Chakrawarti<@nic.in>,US Kanyal<@cic.nic.in>Ankit Arora <@gov.in>,Soniya Soniya<@cic.nic.in>,SandeepKumar <@cic.nic.in>,SAnantharamarSrinivasan<@govcontractor.in>Sub@gov.in>Uttam Dedha <@nic.in>,Soniya .<@cic.nic.in>

Respected Official,
In the matter of publishing my written statement diarised at the CIC, you neither argued with me on the points of law nor published the same under the direction of the DoPT. My written statement is information under the RTI Act and the people of India will one day come to know about that, for the reason why I shall file the 2nd Appeal.

In the internet, however, I shall publish the audio recording of today's hearing, which I can't email you because of size restriction. I shall let you know the URL of the same.

Thanks for the instant order that you prepared well before the hearing.

With regards,
Anirban Chakraborty
Calcutta 81
Ph.
[Quoted text hidden]

https://archive.org/details/@oligarchy_of_india



RTI Online - First Appeal Disposed Of.

1 message

RTI-Online <@nic.in>
Reply-to: RTI-Online <@nic.in>
To: Anirban Chakraborty <@gmail.com>

Tue, Jun 18, 2024 at 15:45

Dear Sir/Madam,

This is with reference to your first appeal registered vide Registration number CICOM/A/P/24/00062

Your Request has been disposed of by this office.

Please log on to <https://rtionline.gov.in> to check the final status of your request.

Note:-This is a system generated mail. Please do not reply it.



https://archive.org/details/@oligarchy_of_india



सत्यमेव जयते

Select Language:

English

Public Authorities

RTI Online

Version 2.0

An Initiative of Department of Personnel & Training, Government of India

[Home](#) [Submit Request](#) [Submit First Appeal](#) [View Status](#) [View History](#) [Login](#) [User Manual](#) [Contact Us](#) [FAQ](#)

Online RTI First Appeal Status Form

Note: Fields marked with * are Mandatory.

Enter Registration Number	CICOM/A/P/24/00062
Name	Anirban Chakraborty
Received Date	28/05/2024
Public Authority	Central Information Commission
Status	APPEAL DISPOSED OF
Date of action	18/06/2024

Reply :- Ref RTI No. - CICOM/R/E/24/00332

GROUND FOR FIRST APPEAL:

The Appellant submitted first appeal being dissatisfied with the reply of the CPIO(DR to IC-VT) at point 2, CPIO(M&R) at point 1 and CPIO(Legal Cell) at point 3.

DECISION OF FIRST APPELLATE AUTHORITY:

The First Appeal, RTI application and reply given by CPIO of CIC have been perused.

In the instant appeal, the appellant had requested for personal hearing of the first appeal via video conferencing mode to which a hearing was primarily scheduled on 12.06.2024 at 11:30 am via Bharat VC conference. However, the appellant expressed his inability to attend the hearing due to his ill health, accordingly the hearing was rescheduled on 18.06.2024 at 03:00 pm via Bharat VC conference.

On 14.06.2024, through e-mail and letter dt. 04.06.2024 received on 10.06.2024 in CIC (on 14.06.2024 received in the O/O AS & FAA) the appellant expressed his inability to attend the First Appeal hearing via Bharat VC mode and requested for hearing of first appeal through a NIC Studio. The NIC Studios are booked for hearing of Second Appeals/ Complaints only and there is no provision and precedence to book NIC studio for hearing of First Appeal. The same was also brought to the appellant's notice through a telephonic call on 14.06.2024 and the appellant consented to attend the hearing via audio conferencing mode. The hearing was conducted on 18.06.2024 at 03:00 p.m. via audio conferencing mode.

The subject First Appeal was heard by both the First Appellate Authorities i.e. Additional Secretary, CIC and Registrar, CIC as the First Appeal pertains to CPIOs of both First Appellate Authorities. The appellant and all the above-mentioned CPIOs were present in the hearing. All the submissions made by the appellant were considered during the decision on the first appeal.

For Point 1

As per CPIO (M&R Section), the RTIs uploaded on the Central Information Commission website are automatically fetched from the DoPT's RTI portal. Due to heavy load/traffic of public authorities on the

DoPT's portal, there is time lag to fetch the RTIs on the CIC website and only a limited amount of RTIs is permissible to be fetched by the CIC website. Also, the RTIs are fetched only if the CPIO allows its disclosure in public domain. The subject RTI may reflect on the Central Information Commission after some time.

Accordingly, the reply given by the CPIO is appropriate and as per the provisions of the RTI Act, 2005. Hence, no intervention is required on behalf of the FAA in this matter.

For Point 2 & 4

We have examined the replies to RTI points No. 2 & 4 and find that the reply is in accordance with the RTI Act, 2005. Hence, no intervention is required on behalf of the FAA in this matter.

For Point 3

In the instant case, CPIO (Legal Cell) is directed to provide relevant available information as desired by the appellant as per the RTI Act, 2005 by 28.06.2024.

The appeal is disposed of accordingly.

First Appellate Authority Details :-

Ms[dot] ROOP AVTAR KAUR

Nodal Officer Details :-

Telephone Number

Email Id

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[Print Status](#)

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Online RTI Appeal Form Details

RTI Appeal Details :-

RTI Appeal Registration number	CICOM/A/P/24/00062
Public Authority	Central Information Commission

Personal Details of Appellant:-

Request Registration Number	CICOM/R/E/24/00332
Request Registration Date	18/03/2024
Name	Anirban Chakraborty
Gender	Male
Address	2 NO MOTILAL COLONY PO RAJBARI COLONY , Calcutta 700081 West Bengal,
Country	India
State	West Bengal
Status	Details not provided
Educational Status	Details not provided
Phone Number	
Mobile Number	
Email-ID	[at]gmail[dot]com

Appeal Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No
Ground For Appeal	Any Other ground
CPIO of Public Authority approached	RTI CELL - SUBODH KUMAR
CPIO's Order/Decision Number	CICOM/R/E/24/00332
CPIO's Order/Decision Date	01/01/1970

(Description of Information sought (upto 500 characters))

Prayer or Relief Sought
PFA
Supporting document <i>(only pdf upto 1 MB)</i>



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Hearing of First Appeal No.- CICOM/A/P/24/00062 via Audio-Conferencing Mode

1 message

Anirban Chakraborty <@gmail.com>
To: Roop Avtar Kaur <@cic.in>

Sat, Jun 15, 2024 at 08:57

Cc: Brig. Vipin Chakrawarti <DELETED>, AND MANY OTHERS

To,
Roop Avtar Kaur
The First Appellate Authority
The Central Information Commission

Respected Official,
It is illegal to take someone by surprise, that's why I am writing this letter to you, initiating the hearing dated 18th June 2024.

My two second Appeals, which CIC Vinod Kumar Tiwari ruined by not letting me to argue, was request for publication of information on two not "similar" but very different issues:

- 1) Order of processing the reimbursement claims of the ECHS beneficiaries at the level of the Polyclinics.
- 2) Publishing judgement / decision in all closed and decided cases for or against the ECHS, for the sake of education and empowerment of the beneficiaries.

The bad government and the bad politicians have ruined the CGHS and the ECHS into the Bapuji Caste Health Scheme. To reduce expenditure on health schemes, to privatise the government hospitals, and to impose in the CGHS and the ECHS the limit of Rs. 5 lakhs per family per year under Ayushman Bharat, which was never before, there is increasing need to keep the beneficiaries ignorant and threatened by the Administrators of the ECHS. To do so the Government publishes in the website of the ECHS a handful of court judgements in favour of the Administrators and hides from the beneficiaries' view many judgements passed in favour of the aged and alone beneficiaries, which speak about how to save one's life and that of the dependents when a situation repeats.

When it is in favour of the Government, the Government suo moto publishes not only the judgements and keeps record of the same at the Military Headquarters and ECHS Regional Centres (see the attachment) but also suo moto publishes in the website of the Central Drugs Standard Control Organisation the Written Statement attached with the decision of the C.I.C. (see the other attachment, page no. 5).

The Central Drugs Standard Control Organisation is not a part of the Government of China or Pakistan but is an integral part of my government just like the C.I.C.

The top to bottom corrupted government not only denied the beneficiaries and me information at the level of the CPIO/FAA but also denied me opportunity to argue and defend my case at the level of CIC Vinod Kumar Tiwari, because publication of the information sought would expose the government and would require the failing government to work very hard to keep the political party in rule.

The corrupted government has again denied information to the people of India by not publishing my written statement diarised by the C.I.C., by way of appending it with the published fraudulent Order of Shri Vinod Kumar Tiwari.

In the hearing dated 18th June, we will have talks about why the double standard and bad government and bad politicians need you to dishonestly adjudicate this case into denying publication of my submitted and diarised written statement and to prevent exposure of dishonest and corrupted Shri Vinod Kumar Tiwari. We will have talks about dishonesty and abuse of position in the C.I.C.

I hope you will cause to take punitive action (General Court Martial) against Lt Col S.C. Katoch and others who defamed this RTI investigator with scandalous allegations.

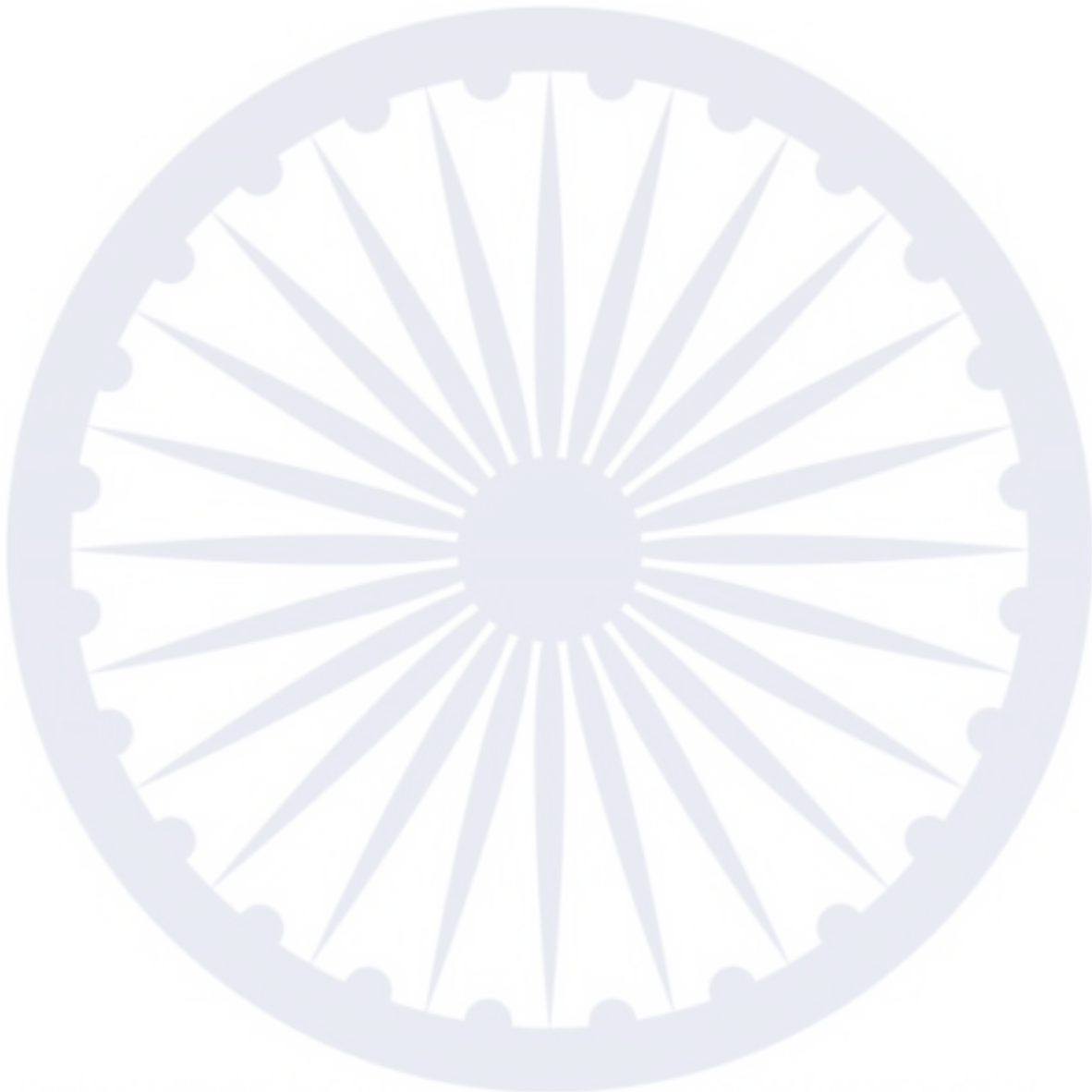
This communication is to bring in to your notice the precedent recently obtained from the Central Drugs Standard Control Organisation. Thanks.

With regards,
Anirban Chakraborty
Calcutta 81
Ph.

[Quoted text hidden]

written statement published

https://cdsco.gov.in/opencms/export/sites/CDSCO_WEB/Pdf-documents/Notice-for-Hearing-2018-19_with-Judgement.pdf



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Notice-for-Hearing- X



Notice-for-Hearing-201



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<https://cdsco.gov.in/sites/Pdf-documents/Noti...> PDF


Notice for Hearing 2018-19_Combined

2 May 2019 — Here the **judgment** of the Hon'ble Supreme Court in the matter of Central Board of Secondary. Education & Anr. V...
20 pages

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https://cdsco.gov.in/E-rdtlGovernance_22-23 PDF


E. Governance

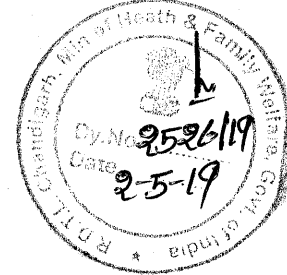
Details of appeals received and orders issued under RTI:
Published under the heading of **Notice for Hearing 2018-19_wi...**
3 pages



Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi - 110067

011-26182598

<http://dsssc.nic.in/online-link-paper-compliance/add>



File No. CIC/MH&FW/A/2017/184359

Email ID Kl.das@nic.in
Phone No. 011-26182598

DATE : 22-04-2019

NOTICE OF HEARING FOR APPEAL/COMPLAINT

Appellant(s)/Complainant(s):

LALIT KUMAR JAIN
6-A, AJMAL KHAN PARK, KAROL
BAGH, NEW DELHI 110005
Delhi, New Delhi

Respondent(s):

CPIO :

1. THE CPIO
DIRECTOR & CPIO, REGIONAL
DRUGS TESTING LABORATORY,
CENTRAL DRUGS STANDARD CONTROL
ORGANISATION (DIRECTORATE
GENERAL OF HEALTH SERVICES),
MINISTRY OF HEALTH & FAMILY
WELFARE, SECTOR - 39-C,
CHANDIGARH - 160036 (REF. NO.
1-18/2017-18/ADMIN/RTI/2331/17
dt.

Date of RTI	Date of reply, if any, of CPIO	Date of 1st Appeal made, if any	Date of order, if any, of First AA
28-08-2017	25-09-2017	30-10-2017	27-11-2017

1. Take notice that the above appeal/complaint in respect of RTI application dated 28-08-2017 filed by the appellant/complainant has been listed for hearing before **Hon'ble Information Commissioner Mr. Bimal Julka** on **14-05-2019 at 12:00 PM**.

2. The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative.

3. (a) CPIO/PIO should personally attend the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the rank of CPIO/PIO, fully acquainted with the facts of the case **and bring complete file/file(s) with him**.

(b) If the CPIO attending the hearing before the Commission does not happen to be the concerned CPIO, it shall still be his/her responsibility to ensure that the CPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.

4. All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same **shall** be served upon opposite party. If any party wishes to make online submission, the same may be sent to the Commission's link only viz., <http://dsssc.nic.in/online-link-paper-compliance/add>

5. CPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

8. The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.

Venue for the Appellant/Complainant

Venue : Room No. 305, Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi – 110067

Venue for CPIO 1

NIC Studio : N.I.C. Video Conferencing Studio, UT Chandigarh Unit, Room No.-222, 2nd Floor, Deluxe Building, UT Secretariat, Sector - 9-D, Chandigarh-160009

(Contact officer : Shri Anuradha Kaushal Contact No. : 0172-2740705)

By order of the Commission.


K.L. Das
Dy. Registrar

Reference number of CPIO Reply(if any) : -

To

1. CPIO, Public Authority
2. Appellant/Complainant.

Copy To :

THE FAA, DIRECTORATE GENERAL OF HEALTH SERVICES, OFFICE OF THE DCG(I) (RTI CELL), FDA BHAWAN, KOTLA ROAD, NEW DELHI - 110002

Copy for information/necessary action to: NIC.

भारत सरकार
क्षेत्रीय औषध परीक्षण प्रयोगशाला



GOVERNMENT OF INDIA
REGIONAL DRUGS TESTING LABORATORY

CENTRAL DRUGS STANDARD CONTROL ORGANISATION

(Directorate General of Health services)

Ministry of Health & Family Welfare

SECTOR-39 C, CHANDIGARH – 160036

Tel. No: -0172-2688239, Fax- No: 0172-2636316

E-mail id: rdtlchd@cdsco.nic.in

केन्द्रीय औषध मानक नियन्त्रण संगठन
(स्वास्थ्य सेवाओं का महानिदेशालय)
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
सैक्टर-39 सी, चण्डीगढ़-160036
फोन नं: 0172-2688239, फैक्स नं: 0172-2636316

No 1-18/2019-20/Admin/RTI/ 1444 /19 Dated 08.05.2019

Before

The Hon'ble Information Commissioner,
Central Information Commission,
Baba gang Nath Marg,
Munirka, New Delhi – 110067.

SUBJECT: NOTICE OF HEARING FOR APPEAL/COMPLAINT

FILE NO. CIC/MH&FW/A/2017/184359 dated: 22.04.2019

The receipt of the above mentioned Notice of Hearing for Appeal/Complaint is hereby acknowledged.

The Regional Drugs Testing Laboratory, Chandigarh, is a National Statutory Laboratory of the Government of India for quality control of Drugs and Cosmetic and is established under Indian Drugs & Cosmetic Act, 1940 and Rules 1945, there under. Each and Every process from the manner of Receipt of Samples, testing and submission of test report to the concerned senders of the samples, has been stipulated under Drugs and Cosmetics Act, 1940 and Rules there under.

The Regional Drugs Testing Laboratory, Chandigarh is a sub-ordinate Office of Central Drugs Standard Control Organisation, Directorate General of Health Services, Ministry of Health and Family welfare, Government of India. This Laboratory analyses Drugs, Cosmetics and Medical Devices. This is a NABL Accredited Laboratory (ISO 17025 : 2005).

Submission of RTI queries of the Appellant before the Hon'ble CIC and reason stated there under have been reviewed scrupulously. In this connection the following factual position is hereby placed before the Hon'ble Information Commissioner as liberty bestowed to all the parties to submit their **written submission** at Para-4 of the above notice under reference for kind perusal.

Information demanded in point- A.

“Please provide me the Flow Charts, Standard Operating Procedures, validation plan, IQ, OQ & PQ, followed by RDTL Chandigarh to analyse each & every sample of Drugs received by it for testing as per pharmacopeias and as per label details.”

Justification for point A:

1. As desired, copy of Flow chart has been provided by the 1st appellate authority (AA). (Annexure – 1 with the reply letter from AA).
2. The applicant has asked information on standard operating procedure (SOP) and validation plan to analyse each & every sample of Drugs.

Analysis of pharmacopoeial product (drugs and pharmaceutical) is done according to Indian pharmacopeia (IP) and pharmacopeia of other countries such as United States pharmacopeia (USP), British Pharmacopeia (BP), Japanese pharmacopeia (JP), European Pharmacopoeia (EP), and so on as per the label details. Pharmacopeia provides individual monographs for analysis of various drugs and pharmaceuticals which are validated and need not require to be revalidated. The Standards of these pharmacopeias are Authoritative & legally enforceable as per Drugs & Cosmetic Act, 1940 and Rules 1945, there under. No separate SOPs and validation plans are required for such analytical methods and are also not available in this institute.

The photocopy of pharmacopoeia cannot be provided as these are protected by copyright act according to under section 9 of the RTI act 2005 and all pharmacopoeias are easily available in the open market.

The Appellant, Sh. Lalit Kumar Jain agreed and stated in his 2nd appeal that “It is true that various Pharmacopoeias lay down the standard of the analysis of the particulars medicines”. Yes, it is fact that to test or analysis of (Pharmacopoeial) drug samples, applicable monograph of different Pharmacopoeias are required to be followed by the Scientist of the Laboratory and there is no pharmacopoeial requirement to make separate flow charts or SOPs for analysis of such samples. Still the demand for SOP to analyse each & every sample of Drugs by the Appellant is meaningless.

In case of non-pharmacopoeial product (patent & proprietary products), the manufacturers’ methods of analysis are asked from the respective manufacturer through the senders i.e., from the concerned

Drugs Inspectors who has drawn the sample. These methods of analysis are assumed to be validated from the Manufacturers' sides. No separate SOPs and validation plans are required for such analytical methods.

These methods of analysis cannot be provided due to the reasons as follows:

- i. Such types methods of analysis are developed by the manufacturer and are "patent & proprietary articles" and discloser of such information (which is 3rd party information) would harm the competitive position of a third party (manufacturer) and hence the information is denied under section 8(1) (d).
- ii. Near about 1600 methods of analysis have been received from the manufacturer and are being maintained and used in this institution. Each method contains about 25 pages or more. Hence, the appellant desired voluminous and ambiguous information.

The Hon'ble Supreme Court in the matter of Central Board of Secondary Education & Anr. Vr. Aditya Bandopadhyay & Ors (2011) held that, "The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.).

Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information.

The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their

regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties.

Copying of the such amount of analytical methods is a huge daunting task and voluminous work and discloser of information of this amplitude will not only lead to diversion of resources in compiling the same but will also lead to unproductive man hours and hence information is denied u/s 7(9) of RTI Act 2005.

3. The applicant has asked information on Installation Qualification" (IQ),"Operational Qualification" (OQ) and "Performance Qualification" (PQ) to analyse each & every sample of Drugs.

These are instruments related documents and are provided by the respective vendors/manufacturers.

The Installation Qualification" (IQ),"Operational Qualification" (OQ) and "Performance Qualification" (PQ) cannot be provided due to the reasons as follows:

i. IQ, OQ and PQ are developed and standardized by the respective vendors/manufacturers of the instruments to serve the maximum performance and best utility of the instruments to their customers. These are "patent & proprietary articles" and discloser of such information (which is 3rd party information) would harm the competitive position of a third party (manufacturer) and hence the information is denied under section 8(1) (d).

Still the Appellant in his 2nd appeal has claimed that the IQ, OQ and PQ are not confidential document without showing any reason. So the claim is meaningless and vague in nature.

ii. There are hundreds of sophisticated analytical instruments in this laboratory and bears a huge number of IQ, OQ and PQ.

Copying and compiling of the such amount of bulk information is a huge daunting task and voluminous work and discloser of information of this amplitude will not only lead to diversion of resources and will also lead to unproductive man hours and hence information is denied u/s 7(9) of RTI Act 2005.

Here the judgment of the Hon'ble Supreme Court in the matter of Central Board of Secondary Education & Anr. Vr. Aditya Bandopadhyay & Ors (2011) as stated under A/2/ii can be cited again.

Information demanded in point -B.

"Please provide me the details of purchases of Laboratory equipment, impurities, reference standards alongwith their validation, stability data and operational records of each reference standard and impurities, equipment year wise during last three years."

Justification for point B:

1. As desired, copy of major laboratory equipments purchased during the last three years has been provided by the 1st appellate authority (AA). (Annexure – 2 with the reply letter from AA)
2. As desired, copies of the reference standard and impurities purchased during the last three years has been provided by the 1st appellate authority (AA). (Annexure – 3(A) and 3(B) with the reply letter from AA)
3. Reference and Impurities standards, need not required to validate by the users up to its expiry date. The validity of Reference and Impurities standards is traceable from the batch no. or lot no., mentioned on the vial and from the official website of the concerned Pharmacopoeia Commission and respective vendors/manufacturer. The list of Reference and Impurities standards is already provided. For its traceability, list of Reference and Impurities standards with their respective batch no. /Lot no. can be provided again if desired by the appellant. After expiry, these are not used in this laboratory.

So, no validation and stability data for reference standards are available in this institute.

4. The Appellant has sought operational records of each reference standards, operational records of each impurities and operational records of each equipment year wise during last three years.

All the operational records with their uses, as desired by the appellant are available in this institute. The uses of the hundreds of instruments, reference standards and impurities are being recorded and maintained day by day in log book formats. Each instrument has separate log book and some instruments have multiple log books. Copying these huge numbers of log books for last three years would be a daunting task and practically would not be feasible. Trying to do this impractical job would disproportionately divert the resources, would lead to unproductive man hours, and our main concern of testing and submitting of reports within time period according to Drug & Cosmetic Act, 1940 and Drug & Cosmetics Rule, 1945 will be affected greatly, **that can lead to the life threatening incidents in mass population for the common people.** So these bulk amount of information was denied u/s 7 (9) of RTI Act, 2005.

Again, the judgment of the Hon'ble Supreme Court in the matter of Central Board of Secondary Education & Anr. Vr. Aditya Bandopadhyay & Ors (2011) as stated under A/2/ii can be cited here.

Information demanded in point -C.

Please provide me the copy of audit reports of inspections of RDTL carried out under GLP (Good Laboratory Practices) by CDSCO Officers year wise during last three year along with the CAPA Reports.

Justification for point C:

1. Audits are carried out by NABL and copy of the continuation of accreditation mailed by NABL has been provided by the 1st appellate authority (AA). (Annexure - 4).
2. No inspections are carried out under GLP (Good Laboratory Practices) by CDSCO officer's as mentioned by the applicant and no such audit reports are available in this institute.

Information demanded in point -D.

Please provide me the list of equipment installed for water used for test analysis by RDTL as per requirements of different pharmacopeia's for conducting dissolution test along with the details of the samples where required quality of water has not been used in analysis and the samples have been declared not of standard quality due to dissolution requirement of various pharmacopeias.

Justification for point D:

- i. As desired, the list of equipment installed for water used for test analysis by RDTL has been provided by the 1st appellate authority (AA). (Annexure – 5 with the reply letter from AA)
- ii. The quality of water used in the testing of drugs samples is as per Pharmacopoeial requirements.
- iii. Regarding information sought by the applicant with respect to samples declared not of standard quality due to dissolution requirements of various pharmacopeias, it may please be informed that the information sought is vague in nature, as no specific sample details has been pinpoint by the appellant. Under the RTI act 2005, the information can be sought by pinpointing file, document,

paper or record etc. and hence CPIO is not in position to provide the information sought by applicant.

However it may please be informed that all the detail of drug samples declared not of standard quality are displayed month wise in CDSCO website (www.cdsc.gov.in) under caption "Drug Alerts" apart from disclosing pharmaceutical dosage form it is also mentioned in which parameter the particular drug sample has been declared as not of standard quality including dissolution.

The Appellant has stated that ".....in public interest it is essential that analysis of medicines both at Govt. Testing Laboratory and Manufactures are synchronized, identical, transparent and are procedural only and are not confidential and should be on the public domain of the website of the Govt. Laboratory." in his 2nd appeal. This would be achieved if the Manufactures follow the testing procedures according to the applicable pharmacopeia like the normal practices of this institute for Pharmacopoeial formulations and for patent and proprietary formulations, this institute used to follow the manufacturers' method. This practice produces the synchronized and identical analytical procedures. The references of methods are not maintained as confidential by this institute. In each and every test report (Form-13) of drugs and cosmetics act 1940 and rules 1945, the used analytical testing procedure is being referred.

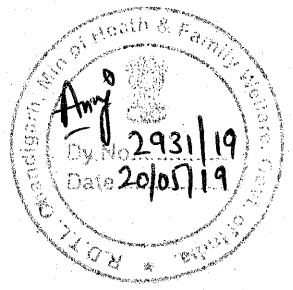
The Appellant Sh. Lalit Kumar Jain has demanded that the sought information by him is a matter of record and is not covered under section 7, 8 & 9 of the RTI act in his 2nd appeal, **though the Section 7 and 9 of RTI Act were not mentioned in previous replies.** It indicates that the Appellant has not carefully read the reply of the CPIO and 1st AA as it should be, before going for the next appeal. The appellant has also clubbed multiple points in a single query and repeatedly mentioned in 4 points, which have unnecessarily increase the complexity of the matter. It togetherly proves that the appeal and desire for information of the Appellant is vague in nature and he was intentionally trying to divert the public resources to impede the normal and regular workings of the public institute.



CPIO

RDTL, Chandigarh

https://archive.org/details/@oligarchy_of_india



केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No.(s):- CIC/CDLKO/A/2017/182875-BJ+
CIC/CDSCH/A/2017/182771-BJ+
CIC/CDTTM/A/2017/184337-BJ+
CIC/MH&FW/A/2017/184359-BJ

Mr. Lalit Kumar Jain

....अपीलकर्ता/Appellant

VERSUS

बनाम

1. CPIO
Central Drugs Laboratory
3, KYD Street, Kolkata – 700016
2. CPIO
Sr. Scientific Officer, Grade I
M/o Health & Family Welfare
Central Drugs Standard Control Organization
Central Drugs Testing Laboratory
NABL Accredited Laboratory, G. M. S. D. Campus No. 37
Naval Hospital Road, Periamet
Chennai – 600003
3. CPIO
Director I/C, CDTL, Central Drugs Testing Laboratory
NABL Accredited Laboratory, CDSCO Bhawan
Ministry of Health & Family Welfare
Directorate General of Health Services
Beside A P T. B Demonstration & Training Centre
S. R. Nagar, Hyderabad – 500038
4. CPIO
Dy. Director, Admn. (D), Drugs Section
Central Drugs Standard Control Organisation
Dte. General of Health Services, FDA Bhawan
Kotla Road, New Delhi – 110002

Handwritten notes:
CPIO - D.N. Pant
Please upload the required documents to website as per demand earlier.

5. CPIO

Dy. Director, Admn., RTI Section
Directorate General of Health Services
Nirman Bhawan, New Delhi – 110108

✓ 6. CPIO & Director

Regional Drugs Testing Laboratory
Central Drugs Standard Control Organisation
Directorate General of Health Services
Ministry of Health & Family Welfare
Sector – 39 – C, Chandigarh – 160036

...प्रतिवादीगण /Respondent

Date of Hearing : 14.05.2019
Date of Decision : 15.05.2019

ORDER

RTI –1 File No. CIC/CDLKO/A/2017/182875-BJ

Date of RTI application	28.08.2017
CPIO's response	26.09.2017
Date of the First Appeal	16.10.2017
First Appellate Authority's response	17.11.2017
Date of diarised receipt of Appeal by the Commission	13.12.2017

FACTS:

The Appellant vide his RTI application sought information on 04 points regarding the Flow Charts, Standard Operating procedures, Validation Plan, IQ, OQ, PQ, followed by CDTL, Kolkata to analyse each & every sample of Drugs received by it for testing as per pharmacopeias and as per label details, and other related issues.

The CPIO, vide its letter dated 26.09.2017 rejected the application stating that the queries raised in the application was vague and not specific. Dissatisfied by the response, the Appellant approached the FAA. The FAA, vide its order dated 17.11.2017 while referring to the decision of the Hon'ble Supreme Court of India in the case of Central Board of Secondary Education & Anothers Vs. Aditya Bandopadhyay & others, provided a point-wise response to the Appellant.

RTI – 2 File No. CIC/CDSCH/A/2017/182771-BJ

Date of RTI application	28.08.2017
CPIO's response	25.09.2017
Date of the First Appeal	30.10.2017
First Appellate Authority's response	Not on record
Date of diarised receipt of Appeal by the Commission	13.12.2017

FACTS:

The Appellant vide his RTI application sought information on 04 points regarding the Flow Charts, Standard Operating procedures, Validation Plan, IQ, OQ, PQ, followed by CDTL, Chennai to analyse each & every sample of Drugs received by it for testing as per pharmacopeias and as per label details, and other related issues.

The CPIO, vide its letter dated 25.09.2017 provided a point-wise response to the Appellant. Dissatisfied by the response, the Appellant approached the FAA. The order of the FAA, if any, is not on the record of the Commission. However, the First Appellate Authority had responded the First Appeal on 31.10.2017.

RTI – 3 File No. CIC/CDTTM/A/2017/184337-BJ

Date of RTI application	28.08.2017
CPIO's response	10.10.2017
Date of the First Appeal	16.10.2017
First Appellate Authority's response	Not on record
Date of diarised receipt of Appeal by the Commission	21.12.2017

FACTS:

The Appellant vide his RTI application sought information on 04 points regarding the Flow Charts, Standard Operating procedures, Validation Plan, IQ, OQ, PQ, followed by CDTL, Hyderabad to analyse each & every sample of Drugs received by it for testing as per pharmacopeias and as per label details, and other related issues.

The CPIO, vide its letter dated 10.10.2017 provided a point-wise response to the Appellant. Dissatisfied by the response, the Appellant approached the FAA. The order of the FAA, if any, is not on the record of the Commission. However, the First Appellate Authority had responded the First Appeal on 17.11.2017.

RTI – 4 File No. CIC/MH&FW/A/2017/184359-BJ

Date of RTI application	28.08.2017
CPIO's response	25.09.2017
Date of the First Appeal	30.10.2017
First Appellate Authority's response	27.11.2017
Date of diarised receipt of Appeal by the Commission	21.12.2017

FACTS:

The Appellant vide his RTI application sought information on 04 points regarding the Flow Charts, Standard Operating procedures, Validation Plan, IQ, OQ, PQ, followed by RDTL, Chandigarh to analyse each & every sample of Drugs received by it for testing as per pharmacopeias and as per label details, and other related issues.

The CPIO, vide its letter dated 25.09.2017 provided a point-wise response to the Appellant. Dissatisfied by the response, the Appellant approached the FAA. The FAA, vide its order dated 27.11.2017, enclosed the revised reply of the CPIO.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Mr. Lalit Kumar Jain;

Respondent: Mr. Jayant Kumar, CPIO & DDC, (I), New Delhi and Mr. D. Vijay, Drugs Inspector, New Delhi in person; and Mr. Anjan Pal, SSO, Microbiology, Kolkata, Dr. Dipak Shivaji Harel, CPIO, Kolkata, Dr. R. K. Rishi, CPIO, Kolkata, Ms. C. Vijayalakshmi, Sr. Scientific Officer Gr. I & CPIO, Chennai, Dr. N. Murugesan, Dir. & FAA, CDTL, Chennai holding additional charge as CPIO at CDTL, Hyderabad and Dr. R. A. Singh, Dir. & CPIO, Chandigarh through VC;

The Appellant reiterated the contents of the RTI application and stated that the complete and satisfactory information had not been received by him, till date. It was further articulated that various pharmacopoeias laid down the standards of analysis of a particular medicines but SOPs/Flow Charts, Validations, Impurities, Reference Standards, Stability data and operational records, etc. were the instructions to ensure the accuracy and correctness under the Drugs and Cosmetic Act, 1940. Furthermore, it was submitted that the SOPs and other information were denied by the Respondents citing large and voluminous information in contravention to the provisions of the RTI Act, 2005. He further suggested that all these information should be suo-motu disclosed in the larger public interest as per the provisions of the RTI Act, 2005. While referring to the response given by the Office of the Regional Drugs Testing Laboratory, Guwahati in a similar subject-matter, it was submitted that the other Respondents had denied similar information. In its reply, the Respondents present at the hearing clarified that the available information had already been supplied to the Appellant and only large and voluminous information had been denied on account of gathering of data with meager human resources. It was articulated that approximately 250 plus instruments were available that carried information of varying nature. The SOPs for each of these instruments was different and therefore generic information was already provided to the Appellant and in case any specific queries were raised, the same could be addressed appropriately. Inspection was also being offered by the Respondents, but the Appellant did not turn up. On being queried by the Commission, whether he would like to inspect the voluminous documents as solicited in the RTI applications, the Appellant cited his physical inability. It was further articulated that the Laboratory is analyzing more than 5000 samples per year and the Appellant had asked for the flow charts, standard operating procedures and other validation procedures of each and every sample which was large and voluminous as also not specific in nature disclosure of which would disproportionately divert the resources of the public authority. As regards the information impressed upon by the Appellant pertaining to Guwahati, the Respondent stated that the contextual framework of the queries and the reply received thereto needs to be examined and analyzed rather than giving a spontaneous reply. The Respondents further relied on their written submissions.

The Commission was in receipt of a written submission from the Respondent dated 06.05.2019 (Appeal No. CIC/CDLKO/A/2017/182875-BJ) wherein while narrating a detailed point-wise response to the queries raised in the RTI application, it was submitted that the Central Drugs Laboratory, Kolkata is National Statutory Laboratory of the Government of India for quality

control of Drugs and Cosmetic and is established under Indian Drug & Cosmetic Act, 1940. Moreover, it is the oldest quality control laboratory of the Drugs Control Authorities in India. Furthermore, the Central Drugs Laboratory, Kolkata is also National Appellate Laboratory of the Government of India. Each and every process right from the manner of the receipt of drug samples from State/Central Drug Inspector and also from Hon'ble Court throughout the Country has been stipulated under the Drug & Cosmetic Act, 1940 and Drug & Cosmetic Rules, 1945. Even various Forms have been specified under Drug & Cosmetics Act, 1940 and Drug Cosmetic Rules, 1945 to issue test/analysis result to the concerned authority under different circumstances. It was further informed that all the details of drug samples declared not of standard quality were displayed month-wise in CDSCO's website (www.cdsc.gov.in) under caption "Drug Alerts" apart from disclosing pharmaceutical dosage form. It was also mentioned in which parameter the particular drug sample has been declared as not of standard quality including dissolution.

The Commission was in receipt of a written submission from the Respondent dated 07.05.2019 (Appeal No. CIC/CDSCH/A/2017/182771-BJ +CIC/CDTTM/A/2017/184337-BJ) wherein while narrating a detailed point-wise response to the queries raised in the RTI application, it was submitted that the Central Drugs Testing Laboratory, Hyderabad is National Statutory Laboratory of the Government of India for quality control of Drugs and Cosmetic and is established under Indian Drugs & Cosmetic Act, 1940 and Rules there under. Moreover, each and every process from the manner of receipt of samples from the Drugs Inspector has been stipulated under Drugs & Cosmetics Act, 1940 and Rules there under. It was further submitted that the Appellant had clubbed multiple points in a single query and the similar case had been endorsed in several decisions of the Commission (Kamal C. Tiwari Vs. Ministry of Defense in Appeal No. CIC/AT/A/2007/00190 & File No. CIC/AT/A/2007/00291 dated 08.06.2007). Moreover, the Laboratory has disclosed (Suo-motto) the necessary details as per Section 4 of the RTI Act in the CDSCO's website. The Central Drugs Testing Laboratory, Hyderabad has participated in the Transparency Audit conducted by the Central Information Commission & scored good grade.

✓ The Commission was in receipt of a written submission from the Respondent dated 08.05.2019 (Appeal No. CIC/MH&FW/A/2017/184359-BJ) wherein while narrating a detailed point-wise response to the queries raised in the RTI application, it was submitted that the Regional Drugs Testing Laboratory, Chandigarh is National Statutory Laboratory of the Government of India for quality control of Drugs and Cosmetic and is established under Indian Drugs & Cosmetic Act, 1940 and Rules 1945, there under. Moreover, each and every process from the manner of Receipt of Samples and submission of test report to the concerned senders of the samples has been stipulated under Drugs & Cosmetics Act, 1940 and Rules there under. It was further informed that all the detail of drug samples declared not of standard quality were displayed month-wise in CDSCO's website (www.cdsc.gov.in) under caption "Drug Alerts" apart from disclosing pharmaceutical dosage form. Moreover, the parameters of the particular drug samples which had been declared as not of standard quality including dissolution were also mentioned. The Appellant had also clubbed multiple points in a single query and repeatedly mentioned in 4 points, which have unnecessarily increased the complexity of the matter. It togetherly proved that the Appeal and the desired information were vague in nature and he was intentionally trying to divert the public resources to impede the normal and regular working of the public institute.

The Commission was also in receipt of a written submission from the Dy. Director, DGHS (RTI Cell), New Delhi addressed to the ADC (I) & CPIO, CDSCO, dated 02.05.2019 (Appeal No. CIC/CDTTM/A/2017/184337-BJ) wherein it was informed that the RTI application of the

Appellant was not received in the RTI Cell, Dte. GHS, Nirman Bhawan, New Delhi and further requested to take necessary action in terms of CIC notice dated 22.04.2019.

The Respondent at New Delhi, while endorsing the above submissions of the Respondents, submitted that the details of drug samples declared not of standard quality were already notified in the official website under caption "Drug Alerts" apart from disclosing pharmaceutical dosage. While agreeing with the viewpoints expressed by all the CPIOs of different Laboratories, it was articulated that periodic assessment / review is under taken by them to verify the processes followed by each of the laboratories and harmonize the information collated by them. This was a dynamic and a continuous exercise.

The Commission referred to the definition of information u/s 2(f) of the RTI Act, 2005 which is reproduced below:

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."

Furthermore, a reference can also be made to the relevant extract of Section 2 (j) of the RTI Act, 2005 which reads as under:

"(j) right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes"

In this context a reference was made to the Hon'ble Supreme Court decision in 2011 (8) SCC 497 (CBSE and Anr. Vs. Aditya Bandopadhyay and Ors), wherein it was held as under:

35..... "It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

Furthermore, the Hon'ble Supreme Court of India in Khanapuram Gandaiah Vs. Administrative Officer and Ors. Special Leave Petition (Civil) No.34868 OF 2009 (Decided on January 4, 2010) had held as under:

6. *"....Under the RTI Act "information" is defined under Section 2(f) which provides:*

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions,

advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."

7. *"....the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him."*

The Commission observed that a voluntary disclosure of all information that ought to be displayed in the public domain should be the rule and members of public who *having to seek* information should be an exception. An open government, which is the cherished objective of the RTI Act, can be realised only if all public offices comply with proactive disclosure norms. Section 4(2) of the RTI Act mandates every public authority to provide as much information *suo-motu* to the public at regular intervals through various means of communications, including the Internet, so that the public need not resort to the use of RTI Act.

The Hon'ble Supreme Court of India in the matter of CBSE and Anr. Vs. Aditya Bandopadhyay and Ors 2011 (8) SCC 497 held as under:

"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under Clause (b) of Section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption."

The Commission also observes the Hon'ble Delhi High Court ruling in WP (C) 12714/2009 Delhi Development Authority v. Central Information Commission and Another (delivered on: 21.05.2010), wherein it was held as under:

"16. It also provides that the information should be easily accessible and to the extent possible should be in electronic format with the Central Public Information Officer or the State Public Information Officer, as the case may be. The word disseminate has also been defined in the explanation to mean - making the information known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet, etc. It is, therefore, clear from a plain reading of Section 4 of the RTI Act that the information, which a public authority is obliged to publish under the said section should be made available to the public and specifically through the internet. There is no denying that the petitioner is duty bound by virtue of the provisions of Section 4 of the RTI Act to publish the information indicated in Section 4(1)(b) and 4(1)(c) on its website so that the public have minimum resort to the use of the RTI Act to obtain the information."

Furthermore, High Court of Delhi in the decision of General Manager Finance Air India Ltd & Anr v. Virender Singh, LPA No. 205/2012, Decided On: 16.07.2012 had held as under:

"8. The RTI Act, as per its preamble was enacted to enable the citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An informed citizenry and transparency of information have been spelled out as vital to democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed. The said legislation is undoubtedly one of the most significant enactments of independent India and a landmark in governance. The spirit of the legislation is further evident from various provisions thereof which require public authorities to:

A. Publish inter alia:

i) the procedure followed in the decision making process;

ii) the norms for the discharge of its functions;

iii) rules, regulations, instructions manuals and records used by its employees in discharging of its functions;

iv) the manner and execution of subsidy programmes including the amounts allocated and the details of beneficiaries of such programmes;

v) the particulars of recipients of concessions, permits or authorizations granted. [see Section 4(1) (b), (iii), (iv), (v); (xii) & (xiii)].

B. Suo moto provide to the public at regular intervals as much information as possible [see Section 4(2)]."

The Commission also referred to the decision of the Hon'ble Supreme Court of India in Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors, SLP(C) NO. 7526/2009 wherein it was held as under:

"Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritising 'information furnishing' at the cost of their normal and regular duties."

Furthermore, the Hon'ble Supreme Court in the matter of ICAI vs. Shaunak H. Satya (2011) 8 SCC 781 dated 02.09.2011 had held as under:

"26. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Section 4(1)(b) and (c) and other information which may not have a bearing

on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources”

On perusal of the available records, the Commission also observed that in several queries raised in the RTI application, the Appellant did not seek any specific information but desired all information which was vague and ambiguous. In this context, the Commission referred to the following observations made by the High Court of Bombay (Nagpur Bench) in the matter of State Information Commission vs. Tushar Dhananjay Mandlekar, LPA No. 276/ 2012 in Writ Petition No. 3818/2010 (D) dated 30.07.2012 which is relevant to the present matter:

“It is apparent from a reading of what is stated above that instead of seeking information on some specific issues, the respondent sought general information on scores of matters. The application is vague and the application does not make it clear to the Information Officer as to what information is actually sought by the respondent from the Officer. It was literally impossible for the appellants, as pointed by the learned Assistant Government Pleader, to supply the entire information sought by the respondent to the respondent within a period of 30 days. The documents ran into 3419 pages. We had asked the respondent while hearing of this letters patent appeal as to what action did the respondent take in pursuance of the information sought by the respondent after the information was supplied and it was replied by the respondent appearing in person that nothing was done on the basis of the information supplied by the appellants as there was some delay in supplying the information. It is really surprising that thousands of documents are being sought by the respondent from the authorities and none of the documents is admittedly brought into use. We are clearly of the view in the aforesaid backdrop that the application was filed with a mala fide intention and with a view to abuse the process of law.

In the aforesaid set of facts, we feel that there is no justification for imposing the costs of Rs.2,000/- on the appellant no.2. The principle of lex non cogit ad impossibilia is clearly applicable to the facts of the case. Law does not compel a person to do that what is impossible. In the facts of the present case, we feel that it was impossible for the appellant no.2 to supply the information which ran into thousands of pages to the respondent within a period of 30 days, as those pages were not readily available with the respondent on the day the application was filed and the Officers were required to search and collect the information, which was required to be supplied to the applicant.”

Furthermore, the High Court of Delhi in the matter of Shyam Kunwar vs. CIC and Ors., W.P. (C) 5099/ 2016 dated 30.05.2016 had held as under:

“Upon perusal of the RTI application filed by the petitioner in which information of attendance of all teachers have been asked for between the years 1993 and 2001, this Court is of the opinion that the information asked for is stale and no element of public interest is involved. It seems to this Court that the petitioner’s queries are at best a fishing and roving enquiry to challenge ‘Mr.Arun Arya’s meteoric rise from UDC to youngest ever Principal’”

The Commission observed that the framework of the RTI Act, 2005 restricts the jurisdiction of the Commission to provide a ruling on the issues pertaining to access/ right to information and to venture into the merits of a case or redressal of grievance. The Commission in a plethora of decisions including *Shri Vikram Singh v. Delhi Police*, North East District, CIC/SS/A/2011/001615 dated 17.02.2012 *Sh. Triveni Prasad Bahuguna vs. LIC of India*, Lucknow CIC/DS/A/2012/000906 dated 06.09.2012, *Mr. H. K. Bansal vs. CPIO & GM (OP)*, MTNL CIC/LS/A/2011/000982/BS/1786 dated 29.01.2013 had held that RTI Act was not the proper law for redressal of grievances/disputes.

The Hon'ble Supreme Court of India in the matter of *Union of India v. Namit Sharma* in REVIEW PETITION [C] No.2309 OF 2012 IN Writ Petition [C] No.210 OF 2012 with State of Rajasthan and Anr. vs. *Namit Sharma* Review Petition [C] No.2675 OF 2012 In Writ Petition [C] No.210 OF 2012 had held as under:

"While deciding whether a citizen should or should not get a particular information which is held by or under the control of any public authority", the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority. This function obviously is not a judicial function, but an administrative function conferred by the Act on the Information Commissions."

Furthermore, the High Court of Delhi in the matter of *Hansi Rawat and Anr. vs. Punjab National Bank and Ors.* LPA No.785/2012 dated 11.01.2013 held as under:

"6. The proceedings under the RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No.2 LPA No.785/2012 from the employment of the respondent Bank is admittedly pending consideration before the appropriate forum. The purport of the RTI Act is to enable the appellants to effectively pursue the said dispute. The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished."

Moreover, in a recent decision in *Govt. of NCT vs. Rajendra Prasad WP (C) 10676/2016* dated 30.11.2017, the Hon'ble High Court of Delhi had held as under:

6. The CIC has been constituted under Section 12 of the Act and the powers of CIC are delineated under the Act. The CIC being a statutory body has to act strictly within the confines of the Act and is neither required to nor has the jurisdiction to examine any other controversy or disputes.

7. In the present case, it is apparent that CIC had decided issues which were plainly outside the scope of the jurisdiction of CIC under the Act. The limited scope of examination by the CIC was: (i) whether the information sought for by the respondent was provided to him; (ii) if the same was denied, whether such denial was justified; (iii) whether any punitive action was required to be taken against the concerned PIO; and (iv) whether any directions under Section 19(8) were warranted. In addition, the CIC also exercises powers under Section 18 of the Act and also performs certain other functions as

expressly provided under various provisions of the Act including Section 25 of the Act. It is plainly not within the jurisdiction of the CIC to examine the dispute as to whether respondent no.2 was entitled to and was allotted a plot of land under the 20-Point Programme.

A similar view delineating the scope of the Commission's jurisdiction was also taken by the Hon'ble High Court of Delhi in Sher Singh Rawat vs. Chief Information Commissioner and Ors., W.P. (C) 5220/2017 and CM No. 22184/2017 dated 29.08.2017 and in the matter of Shobha Vijender vs. Chief Information Commissioner W.P. (C) No. 8289/2016 and CM 34297/2016 dated 29.11.2017.

DECISION:

✓ Keeping in view the facts of the case and the submissions made by all the parties, and in the light of replies furnished by the Respondents, no further intervention of the Commission is required in the matter. However, the Respondents are advised to place generic information in the public domain for the benefit of public at large. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

The Appeals stand disposed accordingly.

Bimal Julka (बिमल जुल्का)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

K.L. Das (के.एल.दास)
Dy. Registrar (उप-पंजीयक)
011-26182598/ kl.das@nic.in
दिनांक / Date: 15.05.2019

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Hearing of First Appeal No.- CICOM/A/P/24/00062 via Audio-Conferencing Mode

1 message

Roop Avtar Kaur <@nic.in> Fri, Jun14, 2024at 12:08

To: @gmail.com

Cc: Brig. Vipin Chakrawarti DELETED , AND MANY OTHERS

Sir,

This is about your letter dt. 04.06.2024 received on 10.06.2024 and email dt. 14.06.2024 wherein you have expressed your inability to attend the First Appeal hearing by Bharat VC mode and requested for hearing of your first appeal through a NIC studio.This is to inform that the NIC studios are booked for hearing of Second Appeals/Complaints only and there is no provision and precedence to book NIC studio for hearing of First Appeal. The same was also brought to your notice through a telephonic call today.

2. As requested by you during the telephonic discussion, you are hereby given an opportunity to appear before the FAAs through **audio-conferencing mode** and present your case. The subject First Appeal will be heard by two First Appellate Authorities i.e. the undersigned and Registrar, CIC as your First Appeal pertains to CPIOs of both First Appellate Authorities.

3. On your request the First Appeal No.- CICOM/A/P/24/00062 has been scheduled for hearing on **18th June, 2024 (Tuesday) at 03:00 pm** through **audio conferencing mode** as consented by you also on 14.06.2024, telephonically. You will receive a call from our side at the scheduled time. You are hereby requested to be available at the scheduled time and attend/respond to the call.

4. In case there is no response from your side, the case will be decided on the basis of material/written submissions available on record.

Roop Avtar Kaur
Additional Secretary & FAA
Central Information Commission,
Munirka, Baba Gang Nath Marg,
New Delhi - 110067.
Tel:11-

From: ME@gmail.com

To: "Roop Avtar Kaur" <@nic.in>

Cc: "Brig. Vipin Chakrawarti" <DELETED , AND MANY OTHERS>
Friday, June 14, 2024 8:36:47 AM

Re: Rescheduling of First Appeal No. CICOM/A/P/24/00062 to 18.06.2024(Tuesday) 3pm

Sent:
Subject:

To,
Roop Avtar Kaur
The First Appellate Authority
The Central Information Commission

Respected Official,
In my letter dt. 4th June, which has been delivered to you on 10th June (RW483992483IN), I requested you to provide me a NIC Videoconferencing Studio for the hearing because I am uncomfortable with what you suggested for means of conducting the hearing. Please look into the matter.

Also, it has come to my notice that the said letter (and one 1st Appeal to Bring. Vipin Chakraborty) has not been diarised at the C.I.C. Thanks.

With regards,
Anirban Chakraborty
Calcutta 81
Ph.

Sir,

This has reference to your appeal petition (First Appeal No.- CICOM/A/P/24/00062) dated 17.05.2024 submitted against the reply of CPIO of the Commission, given in response to your RTI application dated 18.03.2024(RTI No. – CICOM/R/E/24/00332).

2. You are hereby given an opportunity to appear before the FAAs through videoconferencing mode as requested by you in the First Appeal and present your case. The subject First Appeal will be heard by two First Appellate Authorities i.e. the undersigned and Registrar, CIC as your First Appeal pertains to CPIOs of both First Appellate Authorities.

3. On your request the said first appeal has been rescheduled for hearing on **18th June, 2024 (Tuesday) at 03:00 pm** through Bharat VC conference, the link of which is as follows:

Title: CIC First Appeal Hearing

Start time: 18 June 2024 03:00 PM Asia/Kolkata

URL: -----

ConferenceID: -----

Password: -----

Description: Meeting to conduct CIC First Appeal Hearing

4. In case there is no response from your side, the case will be decided on the basis of material/written submissions available on record.

Roop Avtar Kaur

Additional Secretary & FAA
Central Information Commission,
Munirka, Baba Gang Nath Marg,
New Delhi - 110067.
Tel:11-

From: ME@gmail.com
To: "Roop Avtar Kaur" <@nic.in>

Cc: "Brig. Vipin Chakravarti" <DELETED>, AND MANY OTHERS
Sunday, June 9, 2024 5:00:54 PM

Re: First Appeal Hearing Notice - 12th June, 2024.

Sent:

Subject:

Respected Official,

From the last 2 days I have fever, painful throat, etc. and have not much strength to get up from bed. Initially because of hot weather and now because of this I could not scan and email my letter dt. 4 June sent to you by registry post. The letter is about NIC VC.

Please go through the letter that you will soon receive by registry post, and please reschedule the date of hearing from 12 Jun to any other date in the next week. Kindly email me the new date of hearing. Thanks.

With regards,
Anirban Chakraborty
Calcutta 81
Ph

On Thu, May 30, 2024, 16:54 Roop Avtar Kaur <@nic.in> wrote:

Sir,

This has reference to your appeal petition (First Appeal No.- CICOM/A/P/24/00062) dated 17.05.2024 submitted against the reply of CPIO of the Commission, given in response to your RTI application dated 18.03.2024(RTI No. – CICOM/R/E/24/00332).

2. You are hereby given an opportunity to appear before the FAAs through videoconferencing mode as requested by you in the First Appeal and present your case. The subject First Appeal will be heard by two First Appellate Authorities i.e. the undersigned and Registrar, CIC as your First Appeal pertains to CPIOs of both First Appellate Authorities.

3. The said appeal has been scheduled for hearing on **12th June, 2024 (Wednesday) at 11:30 am** through Bharat VC conference, the link of which is as follows:

Title: CIC First Appeal Hearing

Start time: 12 June 2024 11:30 AM Asia/Kolkata

URL: <https://>

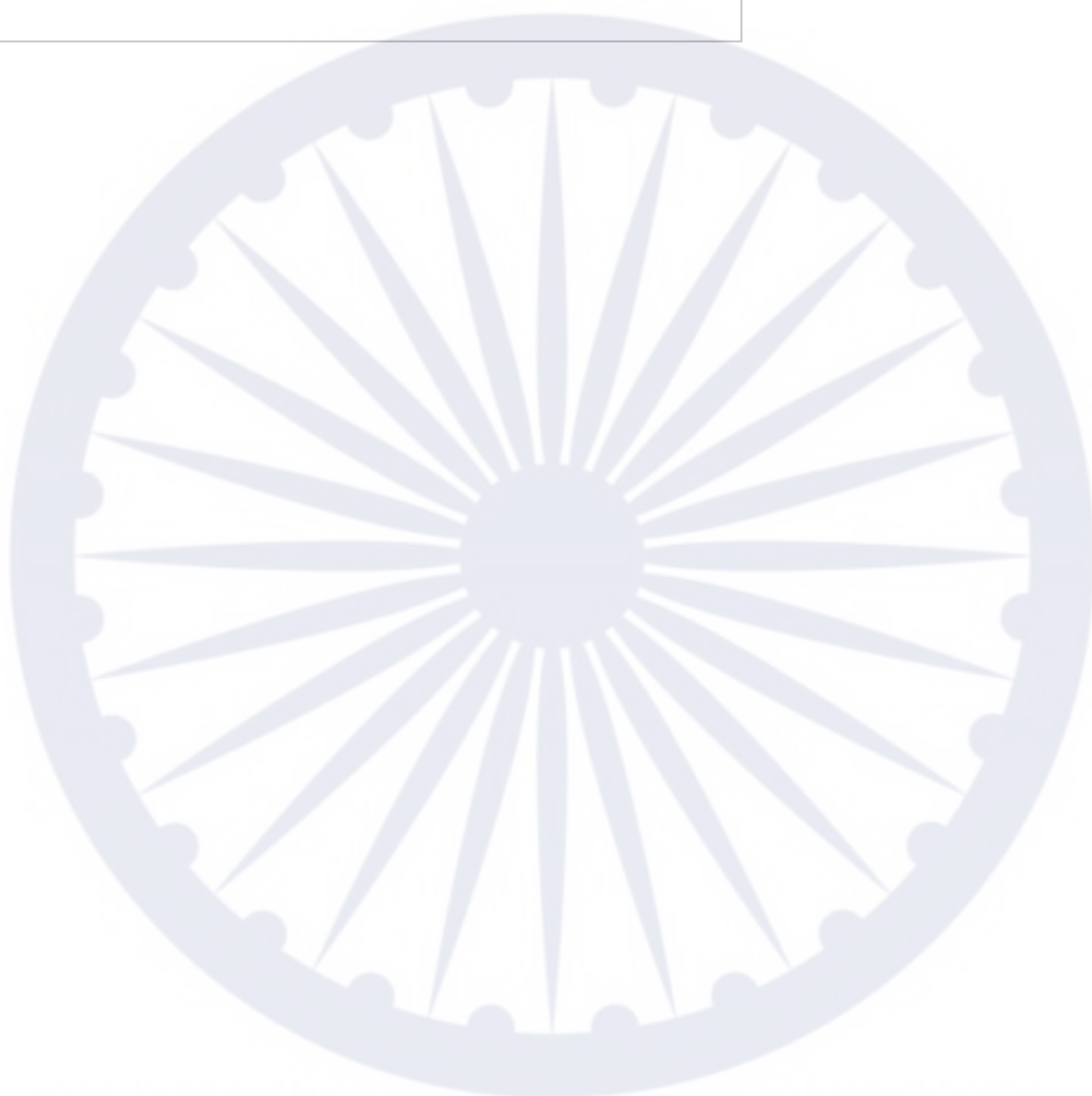
ConferenceID: -----

Password: -----

4. In case there is no response from your side, the case will be decided on the basis of material/written submissions available on record.

Roop Avtar Kaur

Additional Secretary & FAA
Central Information Commission,
Munirka, Baba Gang Nath Marg,
New Delhi - 110067.
Tel:11-



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